

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

Form To Be Used By A Prisoner in Filing a Complaint
Under the Civil Rights Act, 42 U.S.C. § 1983

FILED
CLERK, U.S. DISTRICT COURT
By _____ Deputy

Sep 16 2004

GARRETT MONROE
Plaintiff's name and ID Number 873254

ALLRED UNIT
Place of Confinement

Amended Complaint
CASE NO. 7:04-CV-065-R
(Clerk will assign the number)

v.

RICHARD E. WATHEN, FAIL TO CONDUCT AN ADEQUATE INVESTIGATION
Defendant's name and address ALLRED UNIT 2101 FM 369 N.
IOWA PARK, TX 76367
AND WITHIN THE ILLEGAL ALLEGED, RETALIATION, HARASSMENT AND THREATS
AND DENIED ACCESS TO THE COURTS AND BREACHING THE PRISONERS
- CIVIL, RACIAL DISCRIMINATION, AND FOR FILING GRIEVANCES

DEBORAH L. FORD, DENIED ACCESS TO THE COURTS, RETALIATED, HARASSED, AND THREATS,
Defendant's name and address ALLRED UNIT 2101 FM 369 N. IOWA PARK, TX 76367 AND FOR FILING -
AND CONSPIRED WITHIN CONSPIRACY GRIEVANCES AND RACIAL DISCRIMINATION

GARY L. WEST, OFFICER LAW LIBRARIAN ASSISTANT, DENIED ACCESS TO THE COURTS AND LAW LIBRARY
Defendant's name and address ALLRED UNIT 2101 FM 369 N. IOWA PARK, TX 76367
AND RETALIATED, HARASSED AND THREATENED FOR FILING GRIEVANCES
AND RACIAL DISCRIMINATION. AND -
CONSPIRED WITHIN CONSPIRACY

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate District Court, the Division and an address list of the Divisional Clerks.

FILING FEE AND IN FORMA PAUPERIS

1. In order for your complaint to be filed, it must be accompanied by the filing fee of \$150.00.
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire \$150 filing fee has been paid.
4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.

CHANGE OF ADDRESS

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion (s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuits in state or federal court relating to your imprisonment? YES NO
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: NINE

2. Parties to previous lawsuit:

Plaintiff(s) NONE

Defendant(s)

3. Court: (If federal, name the district; if state, name the county.) NONE

4. Docket Number:

5. Name of judge to whom case was assigned: NONE

6. Disposition: (Was the case dismissed, appealed, still pending?)

 NONE

7. Approximate date of disposition:

II. PLACE OF PRESENT CONFINEMENT: ALLRED UNIT, IN IOWA PARK, TX

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution? YES NO

Attach a copy of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: GARRETT MONROE #873254
ALLRED UNIT 2101 FM 369 NORTH,
IOWA PARK, TX 76367

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: DAVID W. JOHNSON OFFICER LAW LIBRARIAN ASSISTANT ~~FREEDOM OF SPEECH~~
DENIED ACCESS TO THE COURTS AND LAW LIBRARY AND FOR FILING GRIEVANCES
AND RACIAL DISCRIMINATION, RETALIATION, HARASSMENT, THREATS
CONSPIRED WITHIN CONSPIRACY
ALL RED UNIT 2101 FM 369N: IOWA PARK TX 76367

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
DENIED ACCESS TO THE COURTS AND LAW LIBRARY AND FOR FILING GRIEVANCES AND RACIAL DISCRIMINATION, RETALIATION, HARASSMENT, AND THREATS.

Defendant #2: ROY LU, MONROE OFFICER LAW LIBRARIAN ASSIST,
ALLRED UNIT 2101 FM 369 NORTH, IOWA PARK, TX

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

CONSPIRED WITHIN CONSPIRACY DENIED THE RIGHT OF FREEDOM OF SPEECH

Defendant #3: JOSEPH C. BOYLE CAPTAIN, DENIED ACCESS TO THE COURTS
AND FOR FILING GRIEVANCES AND RACIAL DISCRIMINATION, RETALIATION, HARASSMENT AND
CONSPIRED WITHIN CONSPIRACY ALLRED UNIT 2101 FM 369N IOWA PARK TX
THREATS,

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

FAIL TO CONDUCT INVESTIGATION RELATING TO PLAINTIFF MENTAL HEALTH RETARDATION CONDITION

Defendant #4: BETTY A. HUNTER, SUBSTITUTE COUNSEL 2101 FM 367N IOWA PARK TX 76367
DENIED ACCESS TO THE COURTS AND FOR FILING GRIEVANCES AND RACIAL DISCRIMINATION
AND CONSPIRED WITHIN CONSPIRACY RETALIATION, HARASSMENT AND
BRIEFLY DESCRIBE THE ACT(S) OR OMISSION(S) OF THIS DEFENDANT WHICH YOU CLAIMED HARMED YOU.

THREATS AND FAIL TO CONDUCT ADEQUATE INVESTIGATION RELATING TO PLAINTIFF MHR

Defendant #5: DARLENE A. MERKIN OFFICER
ALLRED UNIT 2101 FM 369 N. IOWA PARK TX 76367
DENIED ACCESS TO THE COURTS AND FOR FILING GRIEVANCES AND RACIAL DISCRIMINATION

BRIEFLY DESCRIBE THE ACT(S) OR OMISSION(S) OF THIS DEFENDANT WHICH YOU CLAIMED HARMED YOU.

THAT CONSPIRED WITHIN CONSPIRACY AND RETALIATION, HARASSMENT, THREATS.

PLAINTIFF WAS SUBJECT TO NUMEROUS FABRICATED DISCIPLINARY REPORTS
THAT HAMMERED PLAINTIFF CHANCES AT SUCCEEDING WITHIN THE COURT
AND DENIED THE RIGHT OF FREEDOM OF SPEECH THAT PLAINTIFF WAS NOT ALLOWED
TO TALK UNDER ANY CIRCUMSTANCES.

V.

STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR

~~COMPLAINT. PLAINTIFF ARE ALLOWED AN ADEQUATE ACCESS TO THE COURTS WHICH IS THE RIGHT OF ACCESS TO THE GRIEVANCE PROCEDURE AND THE LAW LIBRARY. WHILE THE CONSTITUTION AUTOMATICALLY GUARANTEED TO PRISONERS~~

~~THE ACCESS WHICH IS NOT UNQUALIFIED. WHICH HAVE UNCONSTITUTIONALLY DENIED PLAINTIFF THAT RIGHT AND BEFET PLAINTIFF BY FAILING TO AFFORD HIM THAT ADEQUATE ACCESS. THEREBY, CONSPIRED WITHIN CONSPIRACY TO RETALIATE, HARASS, AND THREATEN TO INFILM LINES OF HARM UPON PLAINTIFF PERSON FOR FILING ANY ADMINISTRATIVE GRIEVANCES BY INTERFERING WITH THE FORTHCOMING OF THE FORMULATION OF THIS LAWSUIT THAT RESULTED IN NUMEROUS OF FABRICATED DISCIPLINARY REPORTS THAT HAVE TAKEN AWAY PLAINTIFF RIGHTS AND PRIVILEGES AND HIS GOOD TIME AND WORK TIME AND WHICH HAVE DENIED HIM THE RIGHT OF FREEDOM OF SPEECH WHICH IS GUARANTEED BY THE FIRST AMENDMENT IS NOT LIMITED TOO ORAL COMMUNICATION, OR OPINIONS EXPRESSED. WHICH MADE IT INSUFFICIENT FOR HIM TO FULFILL HIS UNSPECIFIED LITIGATION.~~

~~WHEREAS, IT HAS TAKEN PLAINTIFF NUMBERLESS OF HOURS OF RESEARCH TO PREPARE HIS PETITION OF HABEAS CORPUS AND BASED UPON OTHER'S AID DESTROYED LEGAL DOCUMENTS WHEREAS, EACH DEFENDANT HAD PARTICIPATED WITHIN PERPETRATE THAT INTERFERED AND HINDER PLAINTIFF CHANCES AT SUCCEEDING WITHIN THE COURTS. WHEREAS, THEY WERE INTENTIONALLY KNOWINGLY AND RECKLESSLY, WILLFULLY AND WANTONLY AS "DELIBERATELY INDIFFERENCE" THEREFORE, PLAINTIFF IN COMMENTS WAS NOT IMPOSSIBLE NOT TOO KNOW THE PLAINTIFF TO LEVEL WAS CAUSE IT WAS BASED ON EACH FABRICATED DISCIPLINARY REPORT THE DEFENDANTS HAVE VIOLATED THEIR OWN FINAL POLICY MAKING AUTHORITY OF MENTAL HEALTH RETARDATION SPECIAL CONDITIONS, AND THE NO TALKING SIGNS WAS EXTRALTED FROM THE PRISON SYSTEM 30 YEARS AGO, CAUSE IT VIOLATES THE FREEDOM OF SPEECH RIGHTS AND THEY ARE STILL DOING THEM MUST BE EXTRACTED NOW?~~

VI. RELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes. WHEREAS, IT HAS CAUSE PLAINTIFF MENTAL ANGUISH AND/OR INTENTIONALLY EMOTIONAL INFRACTION DISTRESS AND INSUFFICIENT SUFFERING WERE INHIBITED AND INADEQUATE DUE TOO THE FACT THAT PLAINTIFF HAS HIGH BLOOD PRESSURE AND SOME SEVERE CHEST PAINS,

EACH DEFENDANT IS HELD LIABLE IN THEIR INDIVIDUAL PERSONAL OFFICIAL CAPACITY. PLAINTIFF ASK THE HONORABLE JUDGE OF SAID COURT TO GRANT

VII. GENERAL BACKGROUND INFORMATION: A. State, in complete form, all names you have ever used or been known by including any and all aliases:
 (None) RECORDS BE SUBPOENA - PLAINTIFF THE ORIGINAL SUM IN AND RACIAL DISCRIMINATION ORIGINAL RELIEF OF HIS CLAIM.

B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if known to you.
 (None)

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES NO

B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____

2. Case Number: _____

3. Approximate date sanctions were imposed: _____

4. Have the sanctions been lifted or otherwise satisfied?

YES NO

C. Has any court ever warned or notified you that sanctions could be imposed? YES NO

D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): NONE

2. Case Number: NONE

3. Approximate date warnings were imposed: —

Executed on: —
DATE

NONE

(Signature of plaintiff)

PLAINTIFF'S DECLARATIONS

- I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
- I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
- I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
- I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
- I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$150 filing fee and costs assessed by the Court, which shall be deducted in accordance with the law from my inmate account by my custodian until the filing fee is paid.

Signed this 9/12/04 day of SEPTEMBER 2004.
(Day) (month) (year)

GARRET MONROE 87324
GARRET MONROE
(Signature of plaintiff)

WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.